

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARL S. JONES, JR.,)	
)	
Plaintiff,)	
)	Civil Action No. 21-1094
v.)	
)	District Judge W. Scott Hardy
COUNTY OF ALLEGHENY and)	Magistrate Judge Lisa Pupo Lenihan
ORLANDO L. HARPER,)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter comes before the Court on the Report and Recommendation (“R&R”) entered by Magistrate Judge Lisa Pupo Lenihan on October 4, 2021. (Docket No. 37). Plaintiff Carl S. Jones, Jr., proceeding *pro se*, filed a Motion for Preliminary Injunction requesting that the Court grant him a preliminary injunction consisting of single cell status at SCI Smithfield to prevent him from being exposed to COVID-19. (Docket No. 14). The R&R recommends that Plaintiff’s Motion be denied given that Plaintiff’s allegations concern conditions that he was facing at SCI Smithfield,¹ rather than at the Allegheny County Jail, and therefore constitute an impermissible basis for seeking injunctive relief. (See Docket No. 37 at 3-4).

Service of the R&R was made on Plaintiff by mail, and any objections were due by October 21, 2021. Thereafter, Plaintiff did not file any objections to the R&R.

The Federal Rules of Civil Procedure provide that a party may file specific written objections to the proposed findings and recommendations of a magistrate judge, and a district

¹ As noted in the R&R, only Allegheny County and an Allegheny County Jail official are named Defendants in the case at bar. Notably, on September 27, 2021, the Clerk of Court docketed Plaintiff’s Notice of Change of Address, (Docket No. 34), indicating that Plaintiff was removed from SCI Smithfield and transferred to SCI Camp Hill on September 21, 2021.

judge must conduct a *de novo* review of any part of the R&R that has been properly objected to. Fed. R. Civ. P. 72(b)(2), (b)(3); 28 U.S.C. § 636(b)(1). Here, however, because no party filed any objections to the R&R, this Court reviews the magistrate judge's decision for plain error. *See Tice v. Wilson*, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006); *see also* Fed. R. Civ. P. 72(b), Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

In this case, upon careful review of Plaintiff's Motion, the R&R and the entire record, and finding no plain error on the face of the record, the Court will accept Judge Lenihan's recommendation. As such, the Court will adopt the R&R as the Opinion of the Court as more specifically set forth below.

Accordingly, in view of the foregoing, the Court enters the following Order:

AND NOW, this 27th day of October, 2021, IT IS HEREBY ORDERED that the R&R (Docket No. 37) is ADOPTED as the Opinion of the Court.

For the reasons set forth in the R&R, IT IS FURTHER ORDERED that Plaintiff's Motion for Preliminary Injunction (Docket No. 14) is DENIED.

s/ W. Scott Hardy
W. Scott Hardy
United States District Judge

cc: Carl S. Jones, Jr. (via U.S. Mail)
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